

Legislative Fiscal Bureau

Fiscal Note

SF 2275 – Reopening Certain Sentences (LSB 6687 SV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version - New

Requested by Senator Donald Redfern

Description

Senate File 2275 provides for a reopening of a sentence for certain crimes referred to as “85.0%” sentences where, under current law, an offender must serve 85.0% of the sentence in the State prison system. Under current law, these offenders will be released from prison without parole.

Assumptions

1. Under current law, an offender convicted of certain crimes after July 1, 2003, is eligible for parole after 70.0% of the maximum term has been served in prison. An offender who was convicted before July 1, 2003, could have the sentence reopened by motion of the County Attorney, and if the sentence is reopened, the offender becomes eligible for parole after 70.0% of the maximum term has been served in prison. To date, no County Attorney has filed a motion to reopen a sentence.
2. Senate File 2275 provides another option to reopen an 85.0% sentence for those offenders sentenced before July 1, 2003. There were 684 such offenders on June 30, 2003. Those eligible to be released under the Bill over the next five years are all Class C felons convicted of Second Degree Robbery. No Class B felons will be released under SF 2275 in the next five years. Approximately 50.0% of the offenders sentenced for Second Degree Robbery will be eligible for the sentencing court’s reconsideration after serving 70.0% of the maximum term in prison.
3. The table below shows the number of offenders sentenced under Section 902.12, Code of Iowa, before July 1, 2003, for the next six fiscal years. All of these offenders will expire their sentence in prison under current law.

Offenders Released Due to Expiration - 85.0% Sentence

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>
Offenders	10	30	66	76	73	51

4. All of the offenders who have their sentence reopened will receive parole.
5. The Board of Parole indicates it will review all cases of offenders serving 85.0% terms. The Board of Parole will incur additional costs associated with case reviews to consider reopening sentences. The three part-time Board members will require more per diem days. The Board will require two additional staff, a Clerk and a Statistical Analyst.
6. The Office of the Attorney General will incur additional costs associated with sentence reopenings. Costs are estimated at \$19,000 in FY 2005 and \$40,000 in FY 2006. The costs cited above do not include any additional costs for contracting for outside counsel, if required.
7. The Judicial Branch will incur additional costs of \$250 for each sentence reopening.
8. The Indigent Defense Program will incur additional costs of \$500 for each case reopening.
9. Community-Based Corrections (CBC) will experience an increase in parole cases. Over the long term, caseloads will not be significantly impacted. Offenders released under the reopening of a sentence will be released to Work Release at an average daily cost of \$11

per day. After completing Work Release, these offenders will be paroled to the Intensive Supervision level, at an average daily cost of \$5.02.

10. The CBC facilities are operating at full capacity under current law. There were 203 offenders in prison on March 3, 2004, who had been approved for Work Release but were waiting for a CBC bed to become available.
11. The average annual cost for a new Parole/Probation Officer III is \$55,000. The standard supervision ratio for Intensive Supervision is one officer to 30 offenders.
12. The State prisons were operating at 123.0% of current designed capacity on March 9, 2004, with a prison population of 8,591 offenders. Current designed capacity is 6,989 beds.
13. The State prison budget is based on 7,800 inmates; the current system is operating at 110.0% of budgeted capacity.
14. The Criminal and Juvenile Justice Planning Division in the Department of Human Rights released its prison population forecast that stated by FY 2013, the prison population is expected to reach 11,925 offenders. If the prison population reaches 11,925 offenders, five new prisons will need to be built over the next ten years at a total construction cost of \$250.0 million. Total annual operating costs will increase by approximately \$140.0 million compared to current law. If five new 800-bed prisons are built and the population reaches 11,925 offenders, designed capacity would be 11,384 beds, and the prisons would be operating at 104.8% of designed capacity.
15. There are no operating cost savings for Iowa's prison system under this Bill.

Correctional Impact

The average length of stay for certain offenders will decrease. The table below illustrates the estimated cumulative impact on the prison population.

	Offenders Released Under SF 2275				
	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>
Offenders	- 15	- 33	- 38	- 37	- 26

The offenders released under SF 2275 in FY 2005 will be placed on intensive supervision because their length of stay on parole will be short. The offenders released under SF 2275 in future fiscal years will be placed in Work Release facilities, and then intensively supervised on parole. This will increase the number of offenders in prison placed on waiting lists, which will increase the need for additional CBC beds. Alternatively, CBC District Departments may seek funds to begin or expand day programming, which permits the length of stay in Work Release to be reduced while maintaining security.

The possibility exists that no offenders may be released under the Bill. All of the offenders may be released from prison due to sentence expiration under current law.

Fiscal Impact

The estimated fiscal impact of SF 2275 to the State General Fund is an increase in expenditures of \$119,000 during FY 2005, and an increase in expenditures of \$180,000 in FY 2006. Costs in outlying years will increase if more sentences are reopened. If no sentences are reopened, there are no costs under SF 2275. A breakdown of expenditures follows:

<u>State Agency</u>	<u>FY 2005</u>	<u>FY 2006</u>
Attorney General's Office	\$ 19,000	\$ 40,000
Board of Parole	60,000	60,000
Judicial Branch	4,000	8,000
State Public Defender	8,000	17,000
CBC Supervision Staff	28,000	55,000
	<u>\$ 119,000</u>	<u>\$ 180,000</u>

Additional CBC staff will be required for the Intensive Supervision Program statewide in future fiscal years: 0.5 FTE position in FY 2005 and 1.0 FTE position in FY 2006. The cumulative impact on CBC staff in outlying years may increase because the offenders may be supervised for multiple fiscal years.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
 Department of Corrections
 Judicial Branch
 State Public Defender's Office
 Office of the Attorney General
 Board of Parole

 Dennis C Prouty

March 15, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
